MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 2, 2016/2017

UYL2612 –CYBERLAW

(All Sections / Groups)

28 FEBRUARY 2017
Reading Time: 2.30 p.m. – 2.45 p.m.
(15 Minutes)
Answering Time: 2.45 p.m. – 5.45 p.m.
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.

2. This Question paper consists of 3 pages with 5 Questions only.

3. Choose one question from Part A and answer all questions in Part B. All questions carry equal marks and the distribution of the marks for each question is given.

4. Students are allowed to bring into Examination Hall CLEAN and ORIGINAL copy of:
   i. Communications and Multimedia Act 1998
   ii Computer Crimes Act 1997
   iii Digital Signatures Act 1997
   iv Trade Marks Act 1976
   v. Personal Data Protection Act 2010
   vi. Electronic Commerce Act 2006
   vii. Copyright Act 1967

   Students are not allowed to lend or borrow statute(s) during the Examination.

5. Please write all your answers in the Answer Booklet provided.

PART A

(CHOOSE ONE QUESTION FROM PART A)

QUESTION 1

Mike was employed as the personal computer administrator for Asia.net, an Internet Service Provider. His duties included installing software and hardware on the company's computers and giving technical support to the company's employees. As part of his work he knew detailed information about the company's internal computer system, including passwords of e-mail accounts of other employees. After resigning from his job he was allowed to keep his e-mail account with Asia.net as a paying customer.

Upon leaving Asia.net he used his e-mail account to switch to another employee's account to enable him to make unauthorized use of benefits and advantages given to company employees. This included adjusting some information relating to discounts entitled for existing employees in case they wish to purchase computer software. When this was discovered the company terminated his e-mail account. However, he again was able to access the Asia.net system, causing considerable chaos by deleting the company's entire billing system and its registry. After spending many hours of effort and funds the company was able to repair the damage.

The Director of Asia.net seeks your advise as he wishes to bring an action against Mike.

(Total: 25 marks)

QUESTION 2

> "I am of the view that the manner in which the words are published, whether in a newspaper magazine, Internet or whatever, is not going to have any bearing on the meaning of the words. If they are defamatory (or not), they are defamatory (or not) irrespective of how they are published."
>
> As per Abdul Hamid Mohamad JCA., *Re Geoffrey Robertson QC* [2001] 4 MLJ 257, Court of Appeal (Kuala Lumpur) at pg 270.

Comment on the above passage with reference to the application of the Communications and Multimedia Act 1998.

(Total: 25 marks)
Continued...

PART B

(ANSWER ALL QUESTIONS)

QUESTION 3

> "The distinction between applicability and enforceability is fundamental to the future development of Internet law. It is comparatively easy task for a legislator to draft a law which applies to a particular activity undertaken via the Internet, but much more difficult to frame the law so that it is enforceable in practice."

Discuss the legal considerations that affect the rights of participants in their use of information in Electronic Networked Communities?

(Total: 25 marks)

QUESTION 4

Allen purchases several law books from an Online Book Company. Prior to providing his credit card details he carefully goes through the terms and conditions of the agreement. He is happy to know that the books will be delivered within a fourteen- day period.

He then clicks on the "I accept" button at the bottom of the agreement on the webpage. The transaction is approved online. However, the books are not delivered within the time limit as stipulated in the agreement when the transaction was made.

What rights does Allen have against the Online Book Company?

(Total: 25 marks)

Continued...

QUESTION 5

> "We need to remind ourselves that section 90A [Evidence Act 1950] was enacted to bring the 'best evidence rule' up to date with the realities of the electronic age. Receipts for payments in and records of payments out of a bank account are keyed in by the tellers into the terminals at the counter, and the information is electronically stored in the bank's computer. The information so stored is not in itself visible to the naked eye..."
>
> As per Mahadev Shankar JCA in *Gnanasegaran Pararajasingam* v. *PP* [1997] 3 MLJ 1, CA.

In light of the above comment discuss the benefits of the amendment made to the Evidence Act 1950 which reconciles section 3 of the interpretation of a "computer" with the interpretation of a computer in section 2(1) Computer Crimes Act 1997?

(Total: 25 marks)

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